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Digest of Significant Classification Decisions and Opinions

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Number 8
April 1986

Includes Index to
Digest Numbers 1-8

OPM Standards and Classification Guides

The Position
- **Duties**
- **Responsibilities**
- **Qualifications**

United States Office of Personnel Management
Washington, D.C. 20415

AR-100

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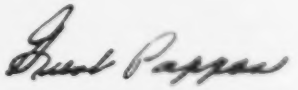
Preface

This is the eighth issue of the DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS. We have tried to present several decisions and opinions which have, in our opinion, Government-wide impact. The Digest is designed to aid classifiers in exercising their judgment. Digest items do not supersede or supplement standards.

This issue includes an index to assist users in locating decisions published in this and all previous issues. It includes a subject-matter index and an index by the relevant standard or guide.

Since most items in the Digest were involved in final OPM classification decisions, OPM does not answer questions or rebuttals regarding items. However, any suggestions for improving future issues may be made by writing to the Chief, Classification Appeals Office, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415 (telephone: area code 202, number 632-7744).



Gust Pappas, *Chief*
Classification Appeals Office

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Washington, D.C. 20402

Standard: Job Grading Standard for Supervisors (WS) (June 1970)

Factor: Nature of supervisory responsibility

Issue: Foreman credit when supervisor is in General Schedule

Identification of the Classification Issue

This issue arose in the adjudication of an appeal from a wage grade supervisor. The position's principal assignment was to supervise workers on a shift responsible for the operation and maintenance of a power plant. The position was under the supervision of a General Schedule (GS) Facility Manager rather than a Wage Grade (WG) Foreman. The appellant contended that his position should be credited with being a full Foreman because his supervisor was not technically qualified to supervise his work.

Resolution

OPM determined that the GS Facility Manager had responsibility for performing duties that properly fall within the Foreman range of responsibility. For example, he was responsible for all power plant operations and for such matters as planning and scheduling maintenance, establishing priorities, developing short- and long-range requirements, assigning work assignments to the shift Foremen, and for assigning subordinate personnel. Consequently, the extent of the appellant's planning responsibilities was constrained by the planning done by his GS supervisor. OPM also noted that it would not be possible for each of the five shift Foremen to have the full range of planning responsibility for the work done by and through all of the other Foremen. Therefore, it was concluded that the range of the appellant's Foreman responsibilities was less than full, thereby affecting the final grade determination.

Although the higher management official's position was in the General Schedule, his responsibilities corresponded to Foreman and had a constraining influence on the WG Foreman's position.

Standard: Job Grading Standard for Supervisors (WS) (June 1970)

Factor: Level of Work Supervised

Issue: Determination of grade level supervised

Identification of the Classification Issue

The issue arose in the consideration of an appeal concerning the job of Automotive Worker Foreman. The appellant supervised five subordinates performing work at the WG-08 level, and personally performed nonsupervisory work at the WG-10 journeyman level. The appellant requested that he be credited with supervising WG-10 work based on the highest level of the shop's completed repair work.

Resolution

OPM decided that the supervisor's personally performed nonsupervisory WG-10 journeyman level work could be used only to evaluate the *nonsupervisory* part of his job. However, it could not properly be used to determine the level of work that he *supervised*.

The supervisory job grading factor, Level of Work Supervised, is intended to measure the level and complexity of the work operations supervised and its effect on the difficulty and responsibility of supervision. This level is usually the grade of the highest level nonsupervisory employees who are supervised. In certain very unusual situations, the difficulty and complexity of the overall work operations supervised are not accurately reflected in the grades of any of the subordinate jobs. In these situations, the level supervised may be determined by constructing a grade reflecting the work product produced with prominent subordinate staff involvement. However, in this appeal case, the subordinate staff was not prominently involved in the work of the shop above the WG-08 level. Therefore, the constructed grade approach did not justify use of WG-10 as the level supervised.

The appellant's job was classified as Automotive Worker Foreman, WS-5823-08, which represented a higher pay rate than the nonsupervisory full performance WG-10 work that he personally performed.

Standard: General Attorney
GS-905 (October 1959)

Factor: N/A

Issue: Series and grade determination for a position requiring qualifications for a small part of the job

Identification of the Classification Issue

The incumbent of a General Attorney, GS-905-12, position appealed the downgrading of his position to GS-10. This mixed-series, mixed-grade position was composed of 90% field examining work (GS-1801-10) and 10% legal work requiring bar membership (GS-905-12). The GS-905 series determination was based on the professional qualifications required, but the GS-10 grade was based on the GS-1801 work.

1. **Series Determination**

Although the primary purpose of the position involved field examining work classifiable to the General Inspection, Investigation and Compliance Series, GS-1801, a small percentage of the work could be performed only by a person with membership in the bar. Bar membership could not be used as a selective placement factor if the position were classified in the GS-1801 series because that would be tantamount to establishing minimum educational requirements in the GS-1801 series. Moreover, the introduction to the GS-900 Legal and Kindred Group (March 1957) states that positions requiring bar membership are attorney positions. Therefore, the professional qualifications for the GS-905 series took precedence over the GS-1801 series which represented the primary purpose of the work and the preponderance of time spent.

2. **Grade Determination**

In applying the mixed-grade principle (page 26 of the Introduction), OPM found that, although the GS-905 legal duties required materially higher qualifications which are reflected in standards used for recruitment, those duties were not paramount to influence and weight and did not occupy a substantial portion of the time. Therefore, the position was classified at grade GS-10 based upon the GS-1801 field examining work performed.

NOTE: This unique example illustrates the impact of questionable position management in position classification.

Standard: Two-grade Interval Standards

Factor: N/A

Issue: Use of two-grade interval standards to evaluate one-grade interval work

Identification of the Classification Issue

The issue arose in a position classification appeal decided by OPM. The appellant performed a variety of administrative support duties which did not require an intensive knowledge and understanding of management principles, practices, methods, concepts and techniques, or other similar and related skills and knowledges which typify positions that are properly covered by standards developed to cover two-grade interval work, e.g., GS-343, Management Analysis Series.

The agency had applied the GS-7 grade-level criteria of the GS-343 standard to determine the grade of the position. The issue for OPM was whether such application is appropriate in the evaluation of one-grade interval administrative support work.

Resolution

There is a significant variance between the qualifications required for one-grade interval work and those required for trainee and developmental two-grade interval work. Two-grade interval criteria are predicated on possession of the knowledges, skills, and abilities required to accomplish two-grade interval work. Therefore, use of two-grade interval criteria requires making adjustments to accommodate the differences in the nature of the work and related knowledges, skills, and abilities of the positions intended for coverage, compared to the position being evaluated. There is no clearly applicable adjustment procedure whereby two-grade interval criteria can be applied under these circumstances.

In this particular case, as the issue involved the agency's use of GS-343 grade-level criteria at the GS-7 level, it involved the use of criteria designed for a two-grade interval developmental assignment. The typical assignments included in such criteria reflect a temporary stage of development toward work of a more judgmental and analytical nature. As these criteria were not intended to be used to evaluate one-grade interval work, the purpose of the assignments, the work situations described, and the criteria for knowledges, skills, controls over work, guidelines, work complexity, etc., do not reasonably parallel one-grade interval work. Therefore, it is inappropriate to evaluate full performance level one-grade interval work by comparison with trainee and developmental criteria from a two-grade interval standard.

It was determined that the appellant's paramount duties and responsibilities were best evaluated by the use of the one-grade interval standard for the Management Clerical and Assistance Series, GS-344.

Standards: Police Series, GS-083 (August 1974) and Guard Series, GS-085 (June 1968)

Factor: Series selection

Issue: Intended use of Police Series, GS-083, vs. Guard Series, GS-085

Identification of the Classification Issue

This issue arose in a position classification appeal decided by OPM. The appellant worked for an agency that had determined that his position was properly placed in the Guard Series, GS-085, because his primary function was to protect Government property. The appellant had arrest authority consistent with that of a private citizen and he was not considered a "peace officer." However, he received specialized training relating to both law enforcement and to security topics. The appellant's position was located at a large installation which led to the performance of police-type duties in connection with the safeguard of government materials.

Resolution

OPM recognized that the distinction between guard and police work is sometimes difficult to make. Both guards and police officers wear uniforms, display badges of authority, and carry sidearms. Both are organized along military lines. Both may serve in stationary posts or patrol either on foot or in a vehicle.

Despite the similarities, there are four indicators which can be used to determine the proper series. The first indicator is the *basic mission* of the organization. Guard organizations are established primarily to protect Government property, and secondarily, to protect persons in and around the property. Police organizations primarily exist to enforce law and order, preserve peace, and protect life and civil rights; and secondarily, to protect property.

The second indicator is the *arrest authority*. Police officers are designated by public law, statute, or other official act, as agency or local enforcement officers. They enforce a wide variety of Federal, State, county, or local laws. Guards, however, usually have arrest authority consistent with that of a private citizen. In some cases, they may have the same power as sheriffs and constables.

The third indicator is *training*. The primary emphasis of police training is the techniques, methods, and principles of law enforcement work. Stress is placed on preservation of law and order, protection of human life and civil rights, court procedures, crowd control, accident investigation, and arrest procedures. The primary emphasis for guard training is on the principles, methods, and techniques involved in protecting Government property. Stress may be placed on methods for detecting efforts to breach a

security system and means for preventing espionage and sabotage. Guards who exercise police-type authority may receive advanced training in arrest procedures, investigation procedures, crowd control or riot procedures, rights of suspects, and any other specialized training related to their assignments.

The fourth indicator is *patterns of work*. Essentially, guards are oriented toward protection of property; police officers are oriented toward maintaining law and order. However, the orientation of guard positions located at large installations tends to broaden to encompass and include a law enforcement emphasis. This is particularly true in those situations in which the guard organization is not only responsible for protection of valuable property, but also for control of large acreage containing various facilities. Typically, such an installation is populated by large numbers of persons and vehicles necessitating a law enforcement effort to some degree.

Generally, positions are classifiable to the police occupation when the four indicators reflect a definite and positive police orientation in all of the posts to which the employee is regularly assigned. In this particular case, although the employee performed a mixture of guard and police-type duties, and received training for both, this combination is typical for guard positions at large installations. The basic mission of the appellant's organization was to protect Government property. The arrest authority did not match that of police officers. OPM concluded that the position was properly classified in the GS-085 Guard series because a definite and positive police orientation did not exist in the four indicators.

Standard: Aircraft Operation Series, GS-2181 (December 1967) and Education Group

Factor: Series coverage

Issue: Intended use of Aircraft Operation Series, GS-2181, vs. the Education Group Series

Identification of the Classification Issue

A group of employees whose positions were classified as Training Instructor (Flight Simulator), GS-1712, requested reclassification to Flight Instructor (Helicopter), GS-2181. The primary purpose of their positions was to perform as a training instructor, providing basic and advanced instrument flight training under simulated conditions. This included providing rated pilots with training opportunities in instrument flight procedures and techniques to maintain their instrument proficiency ratings and to allow pilots to experience the full range of instrument flight conditions, including those too dangerous to practice in actual flight. The flight simulator is a highly sophisticated computer-driven device that simulates the instrument flight characteristics of the aircraft. It was argued that, with the sole exception of lack of hazard and its related qualities, there was no difference between the knowleges, skills, and abilities required to perform the appellants' duties and those required of a Flight Instructor in the GS-2181 series.

Resolution

Due to the high degree of accuracy of the simulator, the appellants' duties are ostensibly similar to those of in-flight instruction. However, among the types of positions specifically excluded from the GS-2181 Aircraft Operation Series are those that primarily require a practical knowledge of the principles and techniques of education and training in combination with a knowledge of the subject, occupation or field in which education, instruction, and training are given. The GS-2181 standard further advises that these positions should be classified in the Education Group, GS-1700. The primary knowledge requirements of the appellants' positions were a practical knowledge of basic and advanced instruments, the purpose and operation of the simulator, air traffic control call signs, and training and recordkeeping techniques (to maintain student training data). Thus, the knowledge requirements met the criteria for exclusion from the GS-2181 series, i.e., the need for a practical knowledge of both the subject matter (aviation/instrument flight) and instructor methods/techniques.

The GS-2181 standard, under *Occupation Information*, specifies that "flight instruction involves both the flight **and** classroom phases of training," (boldface for emphasis), not flight **or** classroom training. In addition, supervisory, administrative, and staff personnel's positions cannot be placed in the GS-2181 series unless their work primarily requires qualifications "ac-

quired from experience and training as a pilot." Under *Titles and Specializations*, a Flight Instructor (Helicopter): "Instructs students in visual and instrument flight technique in rotary wing airplanes," not simulators. In *Notes to Users*, the standard discusses the inclusion of staff flight instructors in the GS-2181 series when "the knowledges, skills, and abilities gained through experience and training as a pilot are essential for performance of such work."

Section 5106 of title 5, United States Code, recognizes qualification requirements, as well as duties and responsibilities, as a basis for determining the appropriate classification series of a position. OPM's publication, *Classification Principles and Policies*, states: "It is often helpful to refer to the qualification standards for the occupation involved . . . in deciding on the series to be used." The qualification standard for the GS-2181 Aircraft Operation Series states: "Applicants for all positions must hold a valid Commercial Pilot Certificate and a Flight Instructor Certificate for the class of aircraft appropriate for the specialization, e.g., fixed-wing, helicopter, or both." However, OPM found that an employee, without a pilot's license, successfully performed the duties of the position for more than seven years. Another employee failed to meet the qualification requirement for GS-2181 because she did not possess a Commercial Pilot Certificate and Flight Instructor Certificate for the appropriate class of aircraft.

OPM concluded that the possession of the certificates and ratings required for a qualification as a Flight Instructor (Helicopter) was not a primary qualification requirement that was necessary for *basic* eligibility for the position or the successful performance of its duties. Rather, it was an important (though not essential) factor that permitted qualitative distinctions among basically eligible candidates. Since established classification principles require that distinctions be made between *simple* possession of certain qualifications and the *necessity* for possession of those qualifications, OPM recognized that the record clearly showed that the position did not require the possession of GS-2181 qualification requirements for successful performance. Therefore, as the position did not have pilot training and experience as its primary requirement, classification to the GS-2181 series was determined to be inappropriate.

Index to Digest of Significant Classification Decisions and Opinions

This index is published to assist users in locating decisions that have been published in the Digest. It is a cumulative index, incorporating all items published in all prior issuances of the Digest. The index will also serve as a means of deleting certain items as necessary, e.g., upon issuance of new standards.

The index is divided into two parts. The first lists items by the relevant classification standard or guide and briefly notes the subject matter of the decision. The second part is a subject-matter index.

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GPO : 1986 O - 156-158